

JPW '1639

Attorney Docket No: 0492611-0392/MIT-9128

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Anderson, et al.

Examiner: Baker

Serial No.: 09/803,319

Art Unit: 1639

Filing Date: March 9, 2001

Title: USES AND METHODS OF MAKING MICROARRAYS OF
POLYMERIC BIOMATERIALS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The PTO did not receive the following
listed items(s) NPL

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on December 3, 2004.

Susan M. Dinsmore

Susan M. Dinsmore

**SUPPLEMENTAL STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE**

UNDER 37 CFR §§1.56, 1.97 AND 1.98

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicants respectfully request consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

(Select A, B or C below)

A. ☒ This Information Disclosure Statement has been filed:

(check 1, 2 and/or 3 below)

1. ☐ within three months of the filing date of the above identified U.S. Patent application;

2. ☐ within three months of the filing date of the entry of the National Stage, as set forth in 37 C.F.R. §1.491, in an International application; and/or
3. ☐ before the mailing date of the first Office Action on the merits in the above-identified application.
4. ☒ after the filing of a Request for Continued Examination (RCE) Transmittal.

No fee or certification is required.

- B. ☐ This Information Disclosure Statement has been filed more than three months after the filing date of the present application and after the mailing date of this first Office Action, but before the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311.

(check 1 or 2 below)

1. ☐ The fee of \$180 as set forth in 37 C.F.R. §1.17(p) is enclosed; or
2. ☐ Applicants hereby certify, as specified in 37 C.F.R. §1.97(e), that (check a or b below)
 - a. ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application not more than three months prior to the filing of this Statement; or
 - b. ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Statement.
 - c. ☐ items indicated by an asterisk were identified in a recent review of related files.

- C. ☒ This Information Disclosure Statement has been filed after the mailing date of either a Final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311 and before payment of an Issue Fee.
(check 1, 2, and 3 below)
1. ☐ The Applicant hereby certifies, as specified in 37 C.F.R. §1.97(e), that:
(check a or b below)
- a. ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application not more than three months prior to the filing of this Statement.
- b. ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Statement.
2. ☒ A Petition requesting consideration of the Information Disclosure Statement is attached.
3. ☒ The Petition Fee of \$130 as set forth in 37 C.F.R. §1.17(i)(1) is enclosed.

PART II - Information Cited

- A. ☒ The Applicant hereby makes of record in the above-identified application the reference(s) listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.
- B. ☐ The Applicant hereby makes the following additional information of record in the above-identified application:

PART III: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

- A. ☐ The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):
- B. ☐ The following are remarks concerning the other information cited:

PART IV: Remarks

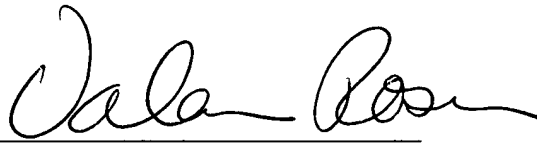
- A. ☒ Copies of references
(check 1 or 2 below)
1. ☒ A copy of each of the references cited on the attached form PTO-1449 (modified) is enclosed, except for U.S. patents and U.S. patent application publications for which the submission requirement has been waived by the PTO in the Official Gazette Notice of August 5, 2003, for applications filed after June 30, 2003.
 2. ☐ Copies of certain of the references cited on the attached form PTO-1449 (modified) are not enclosed because each of these references (indicated by asterisk) was previously cited by or submitted to the Office in a prior application, U.S.S.N. _____, which prior application is relied upon for an earlier filing date under 35 U.S.C. § 120.
- B. ☒ It is respectfully requested that:
(check 1, 2, and 3 below)
1. ☒ The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
 2. ☒ The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited patent(s) and publication(s) has (have) been fully considered by the Patent and Trademark Office during the examination of this application;
 3. ☒ The citations for the patent(s) and publication(s) be printed on any patent which issues from this application.

- C. ☒ By submitting this Information Disclosure Statement, Applicants make no representation that a search has been performed, of the extent of any search performed, or that more material information may not exist.
- D. ☒ By submitting this Information Disclosure Statement, Applicants make no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).
- E. ☒ By submitting this Information Disclosure Statement, Applicants make no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.
- F. ☒ Notwithstanding any statements by Applicants, the Examiner is urged to form his or her own conclusions regarding the relevance of the cited reference(s).

An early and favorable action is hereby requested.

Please charge any additional fees or credit any overpayments to our Deposit Account No. 03-1721.

Respectfully submitted,

By: 
Valarie B. Rosen, Ph.D.
Registration Number 45,698

CHOATE, HALL & STEWART
Exchange Place
53 State Street
Boston, Massachusetts 02109
(617) 248-5000
Dated: December 3, 2004

**SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT**

(Use several sheets if necessary)

APPLICANT: ANDERSON, ET AL.

FILING DATE:
MARCH 9, 2001

GROUP:
1639

U.S. PATENT DOCUMENTS

Examiner's Initials	U.S. Patent No.	Applicant	Issue Date	Class	Subclass
	5,324,591	Georger, Jr., et al.	June 28, 1994	428	552
	5,424,186	Fodor, et al.	June 13, 1995	435	6
	5,514,378	Mikos, et al.	May 7, 1996	424	425
	5,552,270	Khrapko, et al.	September 3, 1996	435	6
	5,629,009	Laurencin, et al.	May 13, 1997	424	426
	5,776,359	Schultz, et al.	July 7, 1998	252	62.51
	5,776,748	Singhvi, et al.	July 7, 1998	435	180
	5,902,599	Anseth, et al.	May 11, 1999	424	426
	5,932,711	Boles, et al.	August 3, 1999	536	22.1
	5,976,813	Beutel, et al.	November 2, 1999	435	7.1
	5,985,356	Schultz, et al.	November 16, 1999	427	8
	6,030,917	Weinberg, et al.	February 29, 2000	502	104
	6,045,671	Wu, et al.	April 4, 2000	204	298.11
	6,045,818	Cima, et al.	April 4, 2000	424	423
	6,103,479	Taylor	August 15, 2000	435	7.2
	6,290,911	Lewis, et al.	September 18, 2001	422	82.02
	6,372,813	Johnson, et al.	April 16, 2002	522	114
	6,399,693	Brennan, et al.	June 4, 2002	524	494
	6,548,263	Kapur, et al.	April 15, 2003	435	7.2

U.S. PATENT APPLICATIONS

Examiner's Initials:	Publication Number:	Applicant:	Filing Date:	Group:	Art Unit:
	2004/0028804	Anderson, et al.	August 7, 2002		
	10/843,707	Anderson, et al.	May 12, 2004		
	10/941,390	Anderson, et al.	September 14, 2004		

FOREIGN PATENT DOCUMENTS

Examiner's Initials	Document No.	Country	Date	Translation	
				Yes	No

FORM PTO-1449 (REV. 8-83) SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)			U.S. Department of Commerce Patent and Trademark Office		ATTY. DOCKET: 0492611-0392/MIT-9128	IN RE APPLICATION NO. 09/803,319
			APPLICANT: ANDERSON, ET AL.			
			FILING DATE: MARCH 9, 2001		GROUP: 1639	
	EP 1 160 262	Europe	10 May 2001			
	WO 98/16830	PCT	23 April 1998			
	WO 99/36107	PCT	22 July 1999			
	WO 00/79006	PCT	28 December 2000			
	WO 02/072812	PCT	19 September 2002			
	WO 03/056293	PCT	10 July 2003			
OTHER DOCUMENTS						
Examiner's Initials	Citation (Including Author, Title, Date, Pertinent Pages, Etc.)					
	Search Report for International Application No. PCT/US03/24564					
	Burkoth, et al., "Surface and Bulk Modifications to Photocrosslinked Polyanhydrides to Control Degradation Behavior", <i>J. Biomed Mater Res</i> 21 : 352-359 (2000)					
	Gross, et al., "Improving the Performance of Doped π -Conjugated Polymers for use in Organic Light-Emitting Diodes", <i>Nature</i> 405 : 661-665 (2000).					
	Hern, et al., "Incorporation of Adhesion Peptides into Nonadhesive Hydrogels Useful for Tissue Resurfacing", <i>J Biomed Mater Res</i> , 39 : 266-276 (1998).					
	Lee, et al., "Protein Nanoarrays Generated by Dip-Pen Nanolithography", <i>Science</i> 295 : 1702-1705 (2002).					
	Saltzman, et al., "Fibroblast and Hepatocyte Behavior on Synthetic Polymer Surfaces", <i>Journal of Biomedical Materials Research</i> 25 : 741-759 (1991).					